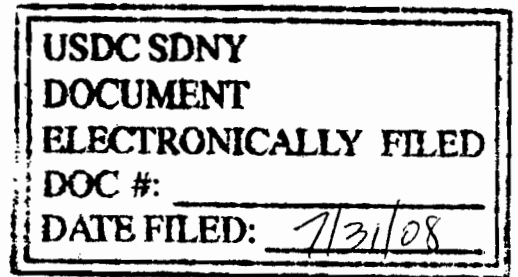


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X

DUKE FERGERSON,

Plaintiff,

-v-

THE DEPARTMENT OF EDUCATION OF THE  
CITY OF NEW YORK et al.,

Defendants.

----- X  
BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

08-CV-4701 (BSJ) (GWG)

ORDER

CERT MAILED / FAXED TO:

COUNSEL FOR PLTFF(S): faxed

COUNSEL FOR DFT(S): faxed

PLTFF PRO SE: \_\_\_\_\_

DFT PRO SE: \_\_\_\_\_

DATE: 7/30/08

BY: JKL

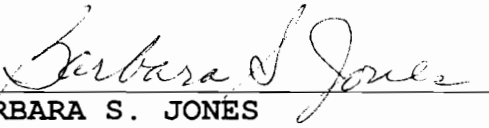
Plaintiff initiated this action in the Supreme Court of New York County, alleging retaliation against him for exercise of his First Amendment rights. On May 19, 2008, Defendants filed a notice of removal to this Court.

By Order to Show Cause dated July 29, 2008, Plaintiff now seeks a preliminary injunction requiring the Department of Education "to reinstate the football program known as the Hellfighters." The apparent basis for this relief alleged by Plaintiff is the irreparable harm to nonparty student athletes from the dissolution of the team and resultant loss of playing opportunities and scholarships. However, nowhere in Plaintiff's complaint does he allege any injury to the student athletes, nor does he seek any relief whatsoever on their behalf. There is no

basis in the complaint upon which the Court can consider the imposition of injunctive relief. Simply put, there is a disconnect between the relief sought by Plaintiff in his complaint to remedy injury to him, and the extraordinary relief sought here to remedy injury to nonparties to this action.

For these reasons, the Court DENIES Plaintiff's Order to Show Cause.

**SO ORDERED:**

  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
July 30, 2008